

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

ROSITA SIERRA MEDRANO,	)	No. CV-F-08-529 OWW
	)	(No. CR-F-03-5237 OWW)
	)	
Petitioner,	)	ORDER DEEMING PETITIONER'S
	)	RESPONSE (Doc. 236) TO BE
vs.	)	MOTION FOR RECONSIDERATION
	)	AND DENYING MOTION FOR
	)	RECONSIDERATION
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Respondent.	)	
	)	
	)	

By Order filed on May 7, 2008, Petitioner was ordered:

[T]o file within 30 days of the filing date of this Order an amended Section 2255 motion setting forth the grounds upon which she seeks relief and the facts upon which she relies in contending that her motion is timely filed or that she is entitled to equitable tolling. Failure to timely comply will result in the dismissal of her section 2255 motion as untimely.

By Order filed on June 25, 2008, Petitioner's Section 2255 motion was dismissed as untimely because Petitioner did not file an amended Section 2255 motion as required by the May 7, 2008 Order.

On July 9, 2008, Petitioner filed a "Respond to the

1 Honorable Court Order to Dismiss Petitioner Motion for Been [sic]  
2 Untimely," (Doc. 236). The Court deems Petitioner's response to  
3 be a motion for reconsideration of the dismissal of her Section  
4 2255 motion as untimely.

5 Petitioner's motion for reconsideration is DENIED.

6 Petitioner asserts that she "did respond to the court and  
7 that motion was sent on or around the middle of May at this point  
8 petitioner doesn't understand why this motion was not received by  
9 the Honorable Court."

10 The Court has no record of any such pleading having been  
11 mailed or filed by Petitioner. Absent evidence that Petitioner  
12 in fact mailed an amended Section 2255 motion within the time  
13 required by the May 7, 2008 Order, there is no basis to vacate  
14 the Order and Judgment dismissing Petitioner's Section 2255  
15 motion as untimely.

16 IT IS SO ORDERED.

17 Dated: July 23, 2008

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE